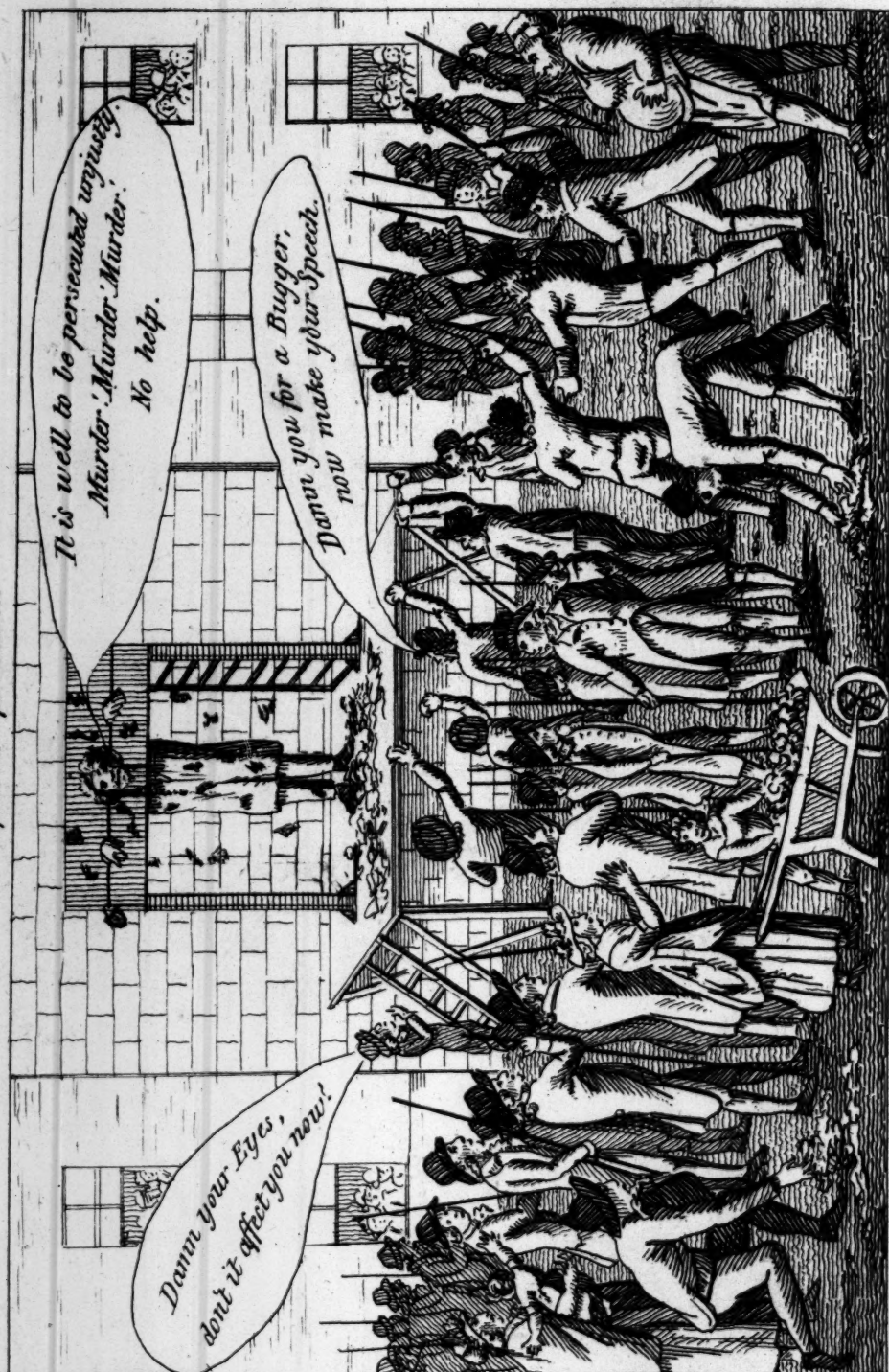
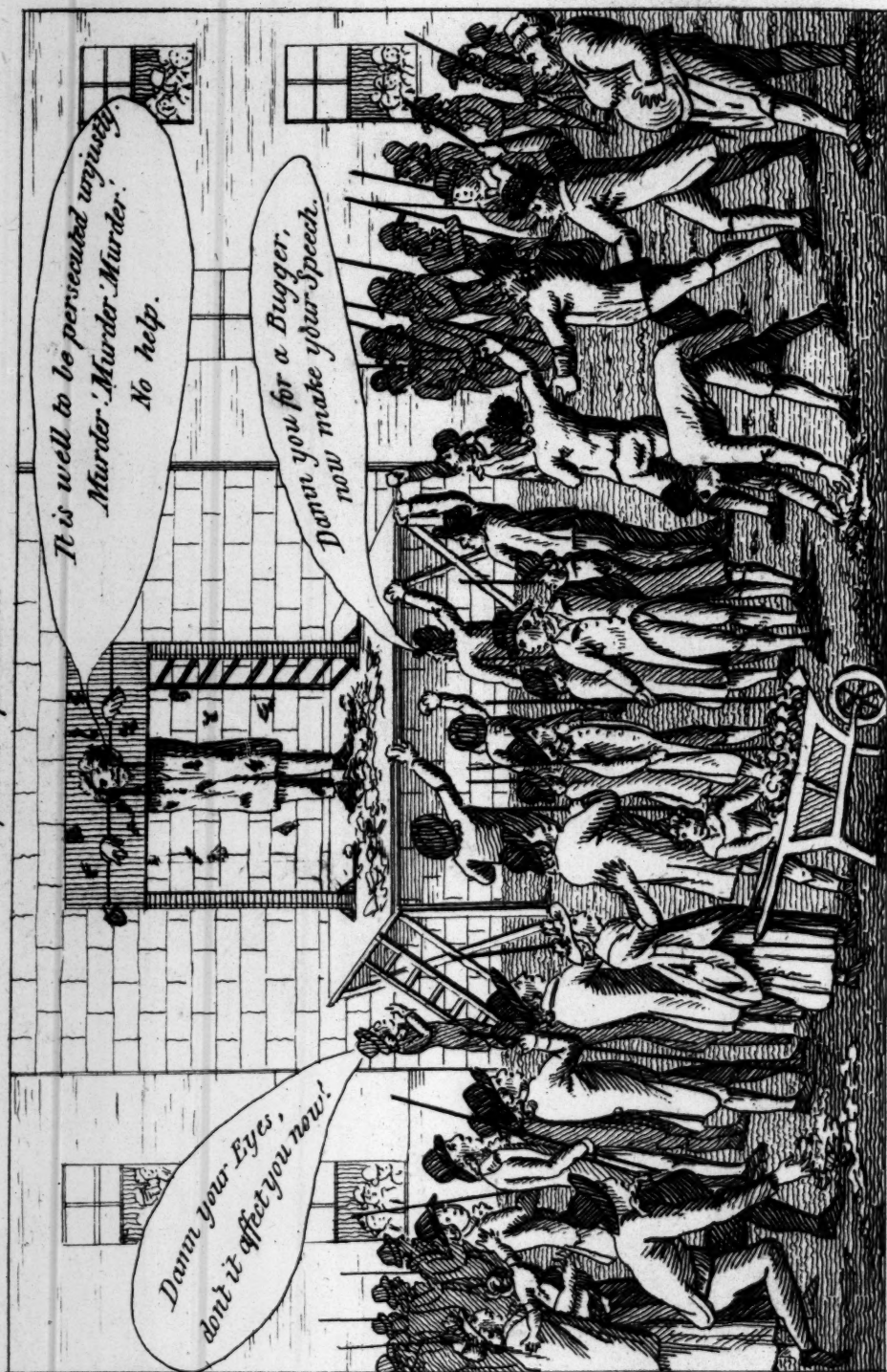


No Speech permitted



Frontispiece.

No Speech permitted



Frontispiece.

DOVER CORPORATION LAWS

*Made known to the LOVERS of JUSTICE,
in a Case of the utmost Importance.*

518. c 24
3

THE T R I A L

O F

Mr. S A V I L L,

LINEN-DRAPER, MARGATE,

Who was Falsely and Maliciously charged with
Affaulting MARY BAYLY, with Intent her
carnally to know and to abuse,
AND FOUND GUILTY, WITHOUT PROOF,
AFTER PROVING HIS INNOCENCE,

*At the Quarter Sessions, Dover, on the 7th of
June, 1800.*

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sellers, &c. in Town and Country.

1800.

Price ONE SHILLING and SIXPENCE.

Entered at Stationers' Hall.

DOVER INCORPORATION LAWS

And also the Laws of Justice
in the Court of the King's Bench.

THE ACT

IN THE
EIGHTH YEAR OF THE REIGN OF
HIS MAJESTY KING WILLIAM THE THIRD

FOR THE BETTER REGULATION
OF THE CITY OF DOVER

That whereas the City of Dover is a City of great Antiquity and Importance
and the same is situated on the River of Dover which is a great Trade
and the same is a City of great Antiquity and Importance
and the same is situated on the River of Dover which is a great Trade

And whereas the City of Dover is a City of great Antiquity and Importance
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THE
CASE AND TRIAL
OF
MR. SAVILL.

Introduction to the Case, with Proof.

I, — SAVILL, profess the business of a linen draper, &c. and Sarah Bayly's husband is a journeyman blacksmith, at Margate; and I rented a house and shop there, at 38l. per annum; but in the Winter season I mostly travel to the manufacturing towns, to buy and sell goods, as a wholesale dealer; but this last Winter I have been prevented, by being made a prisoner, without any just cause, which has been some hundreds of pounds out of my way;— but every man that travels the country ought to be well guarded against his enemies, for, in almost every country town, a stranger, before he is known, is looked upon with jealousy, and every advantage taken of him, particularly if he has not

B

got

got any friend as an evidence, as my enemies looked upon me to be in that situation. But men that travel may be as good men as the settled inhabitants, as it is well known there are all sorts of both ;--but, with surprise to my enemies, I have a witness---this witness has gone under the denomination of my wife, but she is not, and it is well for me in this case to be so guarded, or else I might have been a murdered man, by the wickedness and maliciousness of a false-swearing woman. I engaged my witness as my house-keeper, in the year 1796, by the recommendation of a friend giving her a character as a sober, honest, and faithful servant, from where she lived about three years, she is still justly deserving of that character, and, I believe, would not forfeit her word upon any account, but will speak to the facts, which is all I require, as a man of clear conscience to my God and my country; for before I would wish any soul to be perjured for me, I would unjustly suffer death, for false-swearing is most abominable in my sight and hearing!

Examination before the Mayor, on the 31st Dec. 1799.

When I was taken by a warrant before the mayor, it was then said, that I went with this child twice on the the 29th of December, 1799, being the day of my commitment, viz. once in the morning, in bed, before I got up; and again, upon the counter in the shop, after I was up; and the child was asked whether I did not say I would beat her, if she told
any

any body? She answered, " Yes." Then I asked her, whether she could say that ever I said I would beat her; she then burst out a crying, and answered " No." Then Mr. Shipdem, town-clerk, said that I frightened the child, and asked her himself what I did say to her; to which she answered, that I said I would beat her mother;---but, in fact, she did not know what to say, being put out of her story, that she had been first taught. Then the child was taken away, and I was not permitted to ask her any further questions. In short, every advantage was taken of me, quite with surprise, and I was forced immediately into a prison, upon the oath of Sarah Bayly, who knew nothing what she swore to, and fully committed, without having the least opportunity to clear myself, or to find bail.

*Observations upon the Examination, Case, &c. by
Savill.*

I am positive that this child had those words put into her mouth by her mother, as the child herself clearly proved upon the trial, and I believe I could buy that child to say almost any thing, for both she and her sister are never happy but when they can get something to please them; which my witness and all who know them will evince.

After the Mayor swore Sarah Bayly, the father of the child further said to me, that she took very little notice of me on the 29th of December, which, in short, was fact, nor did she take but little notice
of

of any body but the uncle, which I attribute to his having promised her a Christmas-box, as she immediately fiddled towards him; he then took her upon his knee; and as she is a very selfish child, and would turn any way for money, my witness made that observation to the child's uncle and aunt, after she was gone home with the mother, in the evening, and said what a sly child Mary Baily was---for she would not take notice of any body but the uncle, after he promised her a Christmas-box.

I never had my character impeached in this or any other unmanly action whatever before, and what is the occasion of this I am not able to give any account, unless Sarah Baily thought of making a property of me; but as I knew my innocence, I was determined that she never should in this case, for I would sooner have suffered death unjustly, than she should have had a shilling of my money, to support her beggarly pride; or, on the other hand, I would sooner have expended every shilling that I was worth, and then have gone to labour for my daily bread, as every spirited and innocent person would do.

John and Sarah Bayly's wicked Dispositions.

The day after I was confined in the prison, Sarah Bayly and her party returned to Margate, to get information of what she had sworn to; (but I think she should have got that first) by which time my
witness

witness heard of my being in prison, from the brother of John Bailly, before I sent her word. She immediately went to Sarah Bayly's house, and asked her what was the matter? she replied, to my witness, " You know very well what's the matter," and began to wheedle her over, and said that she was very sorry for her, as false as the devil could teach her, and then she said that Mr. Savill had been with her child;---and she told my witness that she knew it; and then further said, I went with the child in the bed in the morning, before I got up, and again upon the counter, in the shop, after I was up, and told her that she left the house the mean while, to go to borrow some knives;---but my witness told her that she was wrong informed, for that her brother Bayly's apprentice brought the knives, and further said that I was never left alone in the house with the child the whole day, and that she was certain I had not an opportunity to do any such thing to the child. Then my witness wished to see the child, to know what was the matter with her; but she was not to be seen. Sarah Bayly said Doctor Silver had examined the child, and told her that she had not received any hurt. Then my witness asked what I was in prison for, and said " Could he not give bail." " No," said Sarah Bayly, " it is not aailable matter, for he certainly will be hang'd."--- I believe she then spoke as she wished, thinking to get a little money to support her, as she was often complaining to my witness, that she found very hard work to live

live upon her husband's weekly pay;—but her pride is great, and it would still be greater, if she could but have made money of me, as I believe the devil put it into her head—but if he did, she is deceived, as he deceives many. (Trust in God, and he will not deceive.)

After the above conversation, Sarah Bayly's husband come in; then my witness asked him what he had put Mr. S. in goal for, when nothing was the matter with the child. Bayly said, "You seem to know all about it;" and told her she was as bad as I was; but my witness made him answer, that she knew no more than what his wife had just told her, for she said that the doctor told her, that the child had not received any hurt. Bayly immediately checked his wife, and asked her what business she had to say any thing? and further desired her to mind what she did say. Sarah Bayly made him answer, and said she knew better what to say than he could tell her. Bayly further said to my witness, "Do not you recollect taking up a knife, saying to Mr. S. if he attempted to do the like again to the child, that you would kill him?" My witness replied, she never said any thing of the kind, and further said it was impossible to recollect it. Then Bayly tried to turn that story off, as he found it would not do; and said, "Perhaps you was joking with Mr. S." "No," she answered, "he was not in a joking humour, for he was too busy all the morning writing letters for the post" and then said again, that

that she was certain Mr. S. was not guilty of the crime, and immediately left the house.

The above introduction to the case, observations, &c. were delivered to Mr. Shove, to plead upon, with Savill's following case and proof.

The Trial.

BAYLY, &c. *against*

SAVILL.

Mr. HARVEY, counsel for the Plaintiff, and
Mr. SHOVE, for the Defendant.

*A List of Dover Corporation Petty Jury, of the
Mayor's chusing, all strangers to the Defendant,*

viz.

John Fuller, Foreman,	Wm. Colebran Chalk,
John Briggs,	John Elve, Carpenter,
John Brown, Barber,	James Hill, Sadler,
John Brett, Shopkeeper,	Wm. Slaughter Huntly,
Rich. Claringbold,	Tho. Knight, Druggist,
Samuel Collett,	Wm. Knott, Victualler.

(What is transacted by the Mayor, is law at Dover, therefore, what is the use of Juries and Trials?)

Bayly's Case.

Mr. Shipdem, Town Clerk, opened the pleadings, from which the charge appeared, as in the front of the book.

Mr.

Mr. Harvey then arose, and delivered himself in an elegant manner, in order to impress the minds of the jury to bring a false swearer through what she had before sworn to; and in the course of his speech he endeavoured, as much as possible, to make it appear as a scheme or a plot, &c. of the defendant's, to introduce this child to his house for his purpose; but Mr. Harvey could not support that plot in evidence, as John Bayly, the husband of Sarah, deceived him as well as the defendant's witness, as appeared in the course of the trial.

Mr. Harvey made a grand mistake, in saying it was a plot of the defendant's, as this cause must appear as a plot of the plaintiff's, to make money of the defendant;---but the Devil has deceived them at last.

Sarah Bayly Sworn and examined by Mr. Harvey.

Her evidence was not then given to the facts, as in the prisoner's commitment, as appeared upon the record in Court, but was given to the following effect :

My daughter, Mary, is about 6 years of age; Mr. Savill called at our house, Saturday, the 28th of December, as he was going to Canterbury, and wished to know if I would let the child go and keep Mrs. S. company. I took her to Savill's house, we dined at Savill's the next day;—between 8 and 9 o'clock in the evening we came away; then the child said, "I will tell you something," and said she was hurt. I examined her, and found something

thing more than ought to be; I saw a small stain upon her linen, which would not have been from a child.

This linen was not produced, nor the doctor to prove any thing of the kind.

Crofs examined by Mr. Shove.

Q. Have you not said that Mr. Savill went with the child twice?

A. I said the child told me so.

Q. Have you not said Savill went with the child on the counter?

A. The child told me he put her on the counter.

Q. Have you not said to Mrs. S. that Dr. Silver said the child was not hurt?

A. I have not said that.

Q. Did not your husband check you for saying that?

A. My husband said something, but I told him I knew better what to say than he did.

Then Savill told her, he believed she did know what to say better than he did.

John Bayly, Husband of Sarah Bayly, sworn.

His evidence was to the following effect:

I went to Savill's house on Saturday evening on the 28th of December, and asked the child if she would go home, but she seemed to wish to stay. Savill was at home—I let her stop—nothing was said by Savill about it. I dined and drank tea the next

C

day

day by invitation, given when Savill had dined with me; I found the child shy of him; I went from Savill's about 6 o'clock about business; the child then proposed to go with me.

Cross examined by Mr. Shove.

Q. Did not the child take more notice of the uncle than she did of any body else?

A. She kept close to her uncle.

Q. Did not the uncle promise to give her a Christmas-box?

A. I did not hear her uncle promise to give her any thing.

Dr. Silver sworn, and gave his evidence to the following effect:

On Sunday the 29th of December, I saw the child; her parts were undurated and inflamed;—I sent an ambrocation, and in 2 or 3 days she was well. It must come from some act of violence—what, I cannot tell—it was not from any natural cause.

Question to witness, pressed by Mr. Harvey to know whether he did not believe it was an attempt? Mr. Silver said again, I cannot say what act of violence, it might probably have been an attempt.

Cross examined by Mr. Shove.

Q. Mr. Silver, do you pretend to say it was an attempt?

A. I

A. I cannot.

Q. Are there not many acts of violence, that might cause those symptoms ?

A. Certainly there are.

I — Savill's Observations upon the Evidence.

Even if Doctor Silver had positively swore it had been an attempt, he could not say it was by me, although the mother of the child did before the mayor, on the 31st of December, 1799, when she knew nothing what she swore to, which is clearly evinced upon this trial. If it had been proved by Mr. Silver, that this child had been injured by a man's privities, and the mother could have proved me to have been with this child all the time that she was absent from her, she then might have taken a safe oath before the mayor ; but every circumstance was quite the reverse, as this child was absent from her mother all the day on Saturday the 28th, when I was gone to Canterbury ; and after I returned, I proved by my witness, that I was never out of her sight and hearing, alone with the child, from the time I went to bed on Saturday evening, Dec. 28, to Sunday 29, when the child went home with the mother in the evening, and then nothing apparently seemed to be the matter with her, as she had been out for errands, and playing with other children great part of the day.

After the above evidence was given, the child

was

was brought forward, to give her testimony, when Mr. Shove objected, on account of her age, as he said she could not know the nature of an oath,

Then points of law were argued to the court by counsel on both sides; but all arguments in behalf of Savill were to no effect, as the court were determined to oppress him in every point, so that he should find neither law nor justice at Dover, as King, deputy mayor, had before assured him.

Mary Bayly sworn,

And nicely cuddled and soothed over, upon the table in court, by Mr. Shipdem, town clerk, and something was put into her hand to please her, and Mr. Shipdem answered the words to the court for the child, as Mr. Harvey cleverly and ingeniously drew them from her; and she was not permitted to face Savill the whole of the time that Mr. Harvey was examining her, as she could not look at him without crying, well knowing that she had been taught by her mother to say what was not true. She gave her evidence (as she was not of years of maturity, to be ashamed of what she said, or false-swearing) to the following effect:

I slept with Mr. and Mrs. Savill, but do not remember when; Mrs. S.--got up first;--he put his doo-dle in mine---I called out---Mrs S. did not hear me---I told her when I got down stairs---he flapped my arm, then my bottom. Savill dressed me, whilst

Mrs.

Mrs. S. was out to get knives and forks---he unbuttoned his breeches, and put me on the counter in the shop---did nothing else---I have no more to say.

Cross examined by Mr. Shove.

Q. Who told you that you had no more to say?

A. Nobody told me to say I had no more to say, but my mother told me to say what I have said.

Q. Where did your mother tell you to say what you have said?

A. Not in this house---somewhere else at Dover.

Q. Did any body say they would give you any thing to say what you have said?

A. My father said if I did not cry I should have a doll.

Q. Did not Mrs. S. threaten to beat you for telling Mr. S. about the plumb pudding?

A. She did.

Mr. Shove arose, and addressed the jury in a most able speech upon Savill's case, endeavouring to convince them there was not proof to convict him; and he would bring evidence to prove, in the clearest manner, an impossibility for him to have committed the crime laid to his charge.

I, ——— Savill's Case.

On the 28th of December, 1799, by the request of my witness, I called at Sarah Bayly's, as I was going

going to Canterbury, which was about seventeen miles, and asked Sarah Bayly to let her daughter Mary go to keep my witness company. She consented and took her to my house, which was about half a mile. When I set off thither, I thought of going to London, but as I got my business settled there, I returned to my house on the evening of the same day, and afterwards found my witness and the child, at Wm. Bayly's, brother to John Bayly; and immediately my witness, the child and I went home together, and shut up the shop. Soon after, the father of the child came and asked her whether she would go home; but she wished to stop; and, as the father and mother were coming to my house to dinner the next day, my witness told him he might as well leave her, as the night was cold. He did leave her—and immediately my witness, the child and I had our suppers, and went to bed; and, just as we were going to bed, my witness locked the shop-door, and put the key in her pocket. Next morning the 29th of December, as in the commitment, my witness got up between 8 and 9 o'clock, and left the child and me asleep till she made a fire in the parlour, and put the tea-kettle on, (which was not more than 2 yards and a $\frac{1}{2}$ distant from the bedroom.) Both doors were open all the time, and in about 15 minutes my witness returned into the bedroom, and found the child and me still asleep—she awoke us, and asked me whether I would not get up, which I then did, and put on part of my clothes whilst she was in the room, and the child put on her shoes

shoes and stockings---my witness then left the room, and went again to the parlour. Immediately she heard the child telling me that there was some plumb pudding for dinner---then she threatened her, and asked what business she had to tell Mr. Savill, when she had desired her not---then instantly both I and the child went into the parlour---and I directly went to the hair dresser's; and in the mean while my witness put on the child's clothes, when she threatened to beat her for telling about the plumb-pudding, and said she should not come any more to her house; and further said, that she should not have any pudding when it was done, which put the child rather in her dumps. As soon as I returned from the hair-dresser's, my witness, the child and I had our breakfasts; then W. Bayly's apprentice brought the knives that Sarah Bayly had taught the child to say upon the trial that my witness went out for; and the child said, that I put her on the counter at the same time; and Sarah Bayly further told my witness that I went with the child in the bed, and again upon the counter in the shop, the mean while that she was gone for those knives; but my witness told Sarah Bayly that she was wrong informed, as in page 7. After breakfast, and the apprentice had brought the knives, I then began writing letters for the post till dinner, and my witness never left the house all the time, except about two minutes, to take the dinner to the bake-house, when I was gone to the hair-dressers.

Afterwards

Afterwards the child's father, mother, sister, aunt, uncle and cousin all came to my house to dinner and after dinner this child; was going of errands, and playing with other children, and nothing apparently seemed to be the matter with her, but every way as usual, till the uncle promised to give her a Christmas box as in page 6. And afterwards she went home with her mother in the evening; and I heard nothing more of them from Sunday till Tuesday, when they followed me to the Custom-House sale at Dover, with a warrant, to my great surprise, as before mentioned in my examination.

What the child has been taught by the mother, is as false as God is true, for she never hinted to my witness a single word that I attempted to do any thing of the kind that has been laid to my charge; and could it be possible, without the knowledge of my witness, when she was in the house all the time as before mentioned, as we had no use of any other part of the house but the shop, bed-room and parlour, and the shop door opened into the parlour with a glass door, and the parlour door was not more than 2 yards and a half from the bed-room.

Savill's Witness sworn and examined by Mr. Shove.

Her Evidence was in Effect as follows :

I am not Savill's wife--have lived with him nearly
four

four years. On the 28th of December I requested of Mr. S. to call at Bayly's, as he was going to Canterbury, and ask to let the child accompany me; the child came with her mother, and slept with me. The next morning I got up, and left Mr. S. and the child asleep, whilst I made a fire, and put the tea-kettle on; which at the most was not more than 15 minutes before I returned to the bed-room, and still found them both asleep; then I awoke them and asked Mr. S. to get up;---he got up, and put on his clothes, and the child put on her shoes and stockings, and immediately S. went to the hair-dresser's; and then I dressed the child, and never left him alone with the child the whole day; and I am positive he had no opportunity to do any such thing to the child. The child went out for several errands in the course of the day.

Then witness was stopped in giving her evidence, otherwise she would have given it to the effect of the whole case, as before mentioned.

Cross examined by Mr. Harvey.

Q. How did Savill employ his time on the morning of the 29th.

A. After he returned from the hair-dresser's, he was writing letters for the post, till the child's friends came to dinner; and I never left the house all the time, except to go across the way, to the bakehouse, when he was gone to the hair-dresser's

D

Q. Did

Q. Did you not leave the house any other time in the day?

A. Not till after the child's friends came, and were with Mr. Savill; and then I only went across the way for a loaf.

Q. Was not Savill in the shop?

A. Yes, to serve a shawl, when I was in the parlour, close to the shop;---before that the shop was locked.

Q. How do you know the shop was locked?

A. I locked it over night, and had the key in my pocket.

Q. You might be busy about your puddings, &c. for dinner, when Savill was in the Shop.

A. My puddings, &c. were made ready on the over night.

Mr. Harvey then hinted to the court, and said, if there was not a verdict found upon the record, the woman must be perjured in court.

He then proceeded on the part of the prosecution, and made a most eloquent speech, in order to overturn justice, and keep Sarah Bayly out of a prison; which, by his speech, and the assistance of a partial jury to the court, the cause was carried, in opposition to clear evidence.

The Recorder summed up the evidence, and gave his charge to the jury in favour of the prosecution.

The Jury retired a few minutes, and brought in their verdict against the defendant---GUILTY.

if

If juries are to be ruled by counsel, and a partial court, what is the use of witnesses.

Then the Recorder and the bench of justices withdrew, and soon afterwards returned---when the Recorder past the following sentence:

To be imprisoned one calender month, and within that time to stand in the Pillory in the Market-Place, Dover.

The Conduct of the Corporation to the Prisoner, when taken to the Pillory.

I, — Savill, a few days before I received the execution of my sentence, sent for John Colloson and Thomas Hill, constables, to the prison, and told them my sentence was of serious consequence, and hoped they would conduct me to the pillory; and informed them that I intended to address myself to the spectators in a manner which, I did not doubt, would give satisfaction to the public, excepting to the Mayor, King, and Harris. They, and all whom I informed of it, seemed to signify my request was nothing but reasonable---for even if a man is cast for death, he is always permitted to make his speech, if he thinks proper. But, for the sufferings in this world, hanging would not have been in comparison so barbarous as the punishment I received.

On the 28th of June, 1800, I went to undergo the execution of my sentence, very cool, and in good spirits;

spirits; and it did not take the least affect upon my mind or conscience, concerning the crime laid to my charge, and said it was well to be persecuted unjustly; and I fully depended on making my speech, stating the facts of my case, and began to address myself in the following manner:

“ Ladies and Gentlemen,

“ I beg leave to make my speech, ——”

But, by order of the Mayor, &c. as the constables told me, I was instantly put in the pillory, and not suffered to proceed. It was fixed up against the side of a building, facing the spectators, (supposed to be between three and four thousand,) and could not move round in the manner pillories commonly do. I was pelted at in a most shameful manner, and afterwards was informed that Mantell, Mayor, and King, Deputy Mayor, stood and laughed at the sight. I had no other reason but to believe the mayor and King were determined that I should be murdered, if they could have done it genteelly, and afterwards brought it in accidental, having upwards of forty constables under a kind cloak of deception. About eight or ten of the ignorant seafaring, and blackguard Ruffians, who knew not what they were about, were admitted into the circle, close to the pillory, to pelt me with stones and all manner of filth; and one of the villians even came up and took the filth from under my feet several times,

times, without any interruption by the magistrates or constables, when they might have been prevented with ease. I was used in such a manner, that I expected nothing but death; many of the spectators thinking the same, cried out open shame, and said that I should be a murdered man. One man, to a certainty, fainted away at the sight; others said it was worse than murder, and if the corporation wished to murder me, why did they not blow my brains out at once. My face and head were cut in a most shocking manner. The blood flow'd from my head and temples as though I had been stuck with a knife, through which I was quite blind of one eye for several days, and my friends who saw me did not expect my recovery. I cannot express bad enough the cruelty I experienced---but it was from the mercy of God, my spirit and constitution, I am still alive---and not from the mercy of Mantell and King, who made themselves masters of this infamous conduct, being determined to shew their great power, ambition, and authority, because I had before told them to their faces, and by several letters, of their duty and misconduct towards me; and now I have told them more, and will still tell them more yet, as I am not afraid of man in this case; and I never will bend to my enemies---for before I would, I would suffer death unjustly knowing my innocence. I hope, for the time to come, Mantell and King will know better how to do justice, and no more act upon such arbitrary principles, contrary

to law, justice, and reason. Every sensible and feeling man must be of the same opinion when they have perused my CASE and SPEECH, that I intended making at the pillory, which is as follows :

“ *Ladies and Gentlemen,*

“ I beg leave to address myself to you on this solemn occasion.

“ I am brought here as an example to society, charged upon the oath of Sarah Bayly, at Margate, in the County of Kent, with having, on the 29th day of December last, assaulted Mary Bayly, an infant, with an intent her carnally to know, and to abuse.

“ The principal evidence that appeared in Court against me, was what the child told the mother, and what the mother told the child to say; for when the child gave in her evidence, she said that she had no more to say, but nobody desired her to say she had no more to say; but her mother told her to say what she had said---not in that house---somewhere else at Dover---and her father told her if she did not cry she should have a doll. —I then called my house-keeper, as witness, and she proved an impossibility of my having committed the crime. But, nevertheless, I am compell'd, by Dover laws, to suffer this punishment, on account of a wicked oath which the mother of the child took before the mayor. Although there was no such proof in court against me,

me, and I am now compell'd to snffer unjustly, through a wicked oath, by the verdict of partial jury to the court, of their own chusing, and from the sentence of the Recorder---which I do not so much reflect upon, as from the conduct of a partial court to the mayor, and a false-swearing woman, who knew not what she swore to.

“ I hope this will be a warning to every spectator, to guard themselves against false-swearers, as nothing, in my idea, is so desperately wicked, as a man's life depends upon an oath; and if this woman could have got the doctor and the child to justify her oath, she would have been happy to have taken away my life. But the child acknowledged in court, as I have before mentioned, that her mother told her to say what she did, and her father would buy her a doll.

“ This conduct must, without a doubt, shew their wicked intentions and cruel dispositions. I think all the world must be of my opinion, that it is not fit for such a woman to be at large---for she certainly must be a disgrace to society, as a man's life is not safe where she is.

“ I can positively say, from my heart, that I never went to a meal of victuals with more pleasure than I am come here, to address myself to you on this occasion, as I know myself an innocent man, and would bring proof instantly, were I permitted. If I was guilty of the crime, nothing would be too bad for me; but even if there

was

was a halter round my neck this moment, it would not affect mein my present state. Can any one credit the conduct of this woman, to think it credible for a man, with a family of children, to be guilty of such an unmanly offence, with a child between five and six years of age---particularly when I slept by the side of a woman, of about twenty-three, the whole night, and was never left alone with the child, to be out of her sight and hearing, the whole day.

“ This woman has gone under the denomination of my wife, though she is not, and it is well for me in this case. Although I am compelled by Dover laws to go through this disgrace, it is not a scandal to my conscience, having clear grounds and proof of my innocence. Any other person might as well swear against me as Sarah Bayly, as you know as much of the crime I now stand here for as she does ; for she never saw or knew any thing only what she thought proper to put into the child's mouth to speak, as the child herself clearly proved.

“ This woman did not only swear that the child told her I committed the crime, but she positively swore before the mayor that I did, in which she is proved to be a perjured woman, upon the clearest evidence.

“ It is well that I am so guarded against a false swearer, otherwise, I might have had my life falsely sworn away, if my witness had been my lawful wife, as that was Sarah Bayly's policy to think that she was, and could not be admitted in evidence for me ;

me, and on that account, she thought she might not be discovered. If there were more found out in the same way, it would put them more on their guard; but it is almost an impossibility to be guarded against them, but, thank God, I am, though I have been such a sufferer, to find out this woman's wicked disposition.

“ Ladies and Gentlemen, I have stated my case against this woman, as far as I think it necessary, and I now beg to be permitted by your further indulgence, to enlarge upon a few observations.

“ I advise you, for God's sake, guard yourselves against false swearers, as you would against murderers. And, on the other hand, I will give this caution to every spectator, to be certain what you are going to swear to, before you make oath, for bodily fear, that you may be found out; but, if you are not found out in this world, you cannot deceive that God who made you; and what forgiveness can you expect for a false oath, to take away your fellow creatures lives, without any just cause. (It is a solemn thing.) Therefore, be cautious how you take an oath at random, as this woman did before the mayor, when she could not produce any such oath in Court, except from the commitment.

“ I hope this will be a warning to the mayor, and all other magistrates of this corporation, and elsewhere, to guard against such characters.

“ It appears to be a custom at Dover, as Mr. King allowed Benskin's man to take a false oath against

me, since I have been a prisoner, which I can clearly prove. If the court had done me justice, according to the good laws of my country, after having evidence on both sides, they would immediately discharged me at the Bar, and committed Sarah Bayly for perjury, and put her in the pillory instead of me. That would have been doing justice---that is the law the court well knew, and their own council as good as told them so. But, nevertheless, the court were determined to overrule both law and justice, as Mr. King promised me, on the 1st of March last, that he would not allow me justice, for any charges whatsoever; and both him, the mayor, and Wm. Knocker, Esq. next to King, (another enemy against me) upon the Bench of Justices, were determined to oppress me, to the utmost of their powers, and to over-rule every argument in point of both law and justice, in order to blind the world, and to make it appear how they conquered me. But this conquest is poor spite, as I trust it will fall upon their own shoulders, relying on the excellent laws of my country. It was argued by counsel, that the child could not be permitted to take an oath, but was soon over-ruled---an instance of which was never known before, in any court of Justice, to be carried into a law; but if the child's oath was to stand good in the point of law, she has perjured the mother, and the mother the child, without any further proof---which must be clear to the world. If the magistrates of the
court

court had put a halter round my neck, they then might have got rid of me---but this usage will not.

“ The mayor, King, and Harris, the goal-keeper, have done every thing to oppress me in the cruelest manner, besides having detained my property, to the amount of upwards of 500*l.* ever since the 1st of March last; and have caused me to be robbed, and my goods damaged by the filth and vermine to which they were exposed. I was also kept locked up in a close confined cell, night and day, tainted with a privy, and almost poisoned with all manner of other filth and vermine, and surrounded with a quantity of game-cocks hens, and chickens, in the yard, and in the cells of the prison, that, between them and swarms of flees, lice, rats and mice, making such a lumber in the night, and crowing in the morning, it has been impossible to rest for them altogether in bed; and friends have not been permitted to come to give me assistance, in a lawful manner, about any kind of business whatsoever--- Not even to keep me sweet and clean, neither for love nor money, except one who could swear to my innocence-- and she was only suffered to put my meals through the wicket of my cell-door, which was only 7 inches by 8; and, to do that, she has undergone great trouble and difficulty, in many instances, through Harris’s threats and ill-usage,--- such as dashing her on the floor, bruising her in the face and eyes, by which she was in fear, and in danger of her life, without any just cause; and, in consequence, was overwhelmed with grief---which
has

has been too much for her tender feelings, as well as mine; and she often told me, that she must decline attending of me, not being able to bear the abuse she so frequently received from Harris; but, as I knew I must be a lost man if she left me, with strong persuasions, she continued to attend me, no other person being permitted; and when it was known, on my trial, by the Mayor, King, and Harris, that she was not my lawful wife, and could be an evidence for me, she was not suffered to come into the prison. I was then put down, and close confined, with strong double doors, in one of the lower cells, where I was still more disturbed with a nauseous vermine of rats, &c. having been frequently obliged to get up in the night, to kill them. It has been Harris's policy, to try every means to keep all friends from me that could be evidence against him. The crime that I am accused of has never taken the least effect on me, since I have been a prisoner; but Harris's conduct to me has been most desperately wicked, and too much for flesh and blood to bear.

“ But what has been the principal cause of this harsh treatment from the Mayor, King, and Harris? — I will tell the world: — It is because Mantell has not been a gentleman of his word; which I am sorry to say, in this public manner, of a mayor of a Corporation. But if I was to be hung for speaking the truth, I cannot help it. These are the facts, and he cannot deny them, as I will prove. He would not permit me to bail, on my examination
before

before him; and he, being a doctor, must be convinced Sarah Bayly knew not what she swore to--- and I look upon him to be no better for taking her oath, than she was for giving it—for he ought to have known better, if she did not. I hope, for the time to come, he will, and never more act upon such arbitrary principles, without clear grounds and proof. But he has been determined to oppress me in every manner, as he, King, Harris, &c. looked upon me, the same as the woman did, to have no evidence to defend myself. But what cruel conduct this must appear to the world, for a mayor to be guilty of acting upon such arbitrary principles, to ruin and distress a man without any just cause; and because he could not have his revenge enough, he got the corporation to back him, in order to complete his cruel design if possible. When a man is ruined in this arbitrary manner, it is not easy to recover, unless it be done by the laws of his country. When I was taken with a warrant, I was at the Custom-House sale, at Dover, where I intended to purchase four or five hundred pounds worth of goods to a good advantage, those goods I had orders for, and stopped in this country a month longer on account of that sale, but was disappointed. Although I offered to leave 50 or 100l. in the mayor's hands, to let the constable go with me to the sale, to purchase the goods I intended, as I informed him that sale was of great consequence to me, and would not miss it for 50l. I might have said 100l. at least. But all I could say was to no purpose, being
instantly

instantly sent to prison; and afterwards he promised me another hearing, to take place on the 3d of January; but, instead of keeping his word as a gentleman and a magistrate, he forfeited both that and his honour, and fully committed me on the 2nd, without giving me notice of his determination till the 7th, when he inform'd me I was fully committed, though he afterwards offered to take 200l. bail; but when he had used me in that cruel manner, as before mentioned, I informed him by letter, on the same day, that I would suffer myself to be hung up by the neck, without Judge or Jury, before I would give bail till I had my second hearing, which he had faithfully promised me; and at the same time, I told him, I had got something to bring forward with surprise to the parties, that must clear me without bail;---but I was determined not to mention the circumstance, nor to give bail till I had my second hearing; and because I would not, and discharge him of his duty, he has used me in this inhuman manner, [being convinced he had committed me without proof; but as he knew I was desirous of giving bail, in order to proceed with my business, on the first day of my examination, I believe he then thought he was sure I would give it, rather than remain in prison. But] he then found his mistake, and afterward she, King, and Knocker, were desirous for me to give bail; but having been used in the above manner, I was determined not, well knowing I had no thing to give bail for.

“ After-

“ Afterwards I thought it necessary to write to the rest of the magistrates, and heads of the Corporation, several affecting letters, enough to melt the heart of any man possessed of the feelings of humanity, acquainting them with the conduct of the Mayor, King, and Harris, and requesting their interference in the cause of Justice. And by those letters it will appear, that the whole corporation have been ruled by the mayor, in opposition to me, as all my requests to the other magistrates have been in vain, and no regard paid to them, and they have been determined, I should not find either law or Justice at Dover. I shall leave my case to the judgment and determination of an impartial court, and the world at large, what my enemies deserve.

“ Ladies and Gentlemen, I return you my hearty thanks, for the indulgence and attention that you have paid to me on this occasion, and I judge my case must have affected some of your hearts, but I do not mean those arbitrary magistrates---I mean them that have not hearts of stone, and I shall trust to find more compassion from a generous public, than I have found at present by them;---if not, I am confident that I shall be a murdered man; and if they do that, I have not a doubt but I shall leave some good friends behind me, to take care of them,”——(END OF THE SPEECH.)

Conclusion of the Case.

The above facts I can prove, to my enemies' great shame, and hope to have my grievances redressed by the good laws of my country. This

This diabolical transaction has been kept as private as possible by the Corporation, it having never appeared, to my knowledge in any of the newspapers : but I need not tell the world, as it does not require amoment to determine the cause of it. But, for the sake of justice, and the benefit of society, I have published my Case to the world, without fear or dread of any one, as my conscience tells me I am justifiable in so doing, my troubles having been too great for human flesh to bear to be kept private ; for even if I had been guilty of murder, the laws of my country could not have punished me so severely.

My case, and copies of letters, answers, &c. with proofs against the Mayor, King, Harris, &c.'s misconduct, from day to day, all the time I was a prisoner, still remains to be published, which will further shew their inhuman practices. This transaction has, without a doubt, caused friends to seem with coolness upon me, and ruined my connections in trade, and must corrupt ever ones mind, as my former friends cannot think it possible for me to be used in this manner, without some grounds and proof ; but I now think my case cannot leave a doubt but I have been a great sufferer, without any just cause, and so I shall still remain till I can bring my enemies into a Court of Justice, which is all I require as a man of clear conscience to my God and Country, for the crime that has been so maliciously laid to my charge.